



**Provisional Pre-Training Approval Packet  
MEDIATED SETTLEMENT CONFERENCE PROGRAM  
(MSC Program)**

Thank you for seeking a Provisional Pre-training Approval of eligibility to be certified as a superior court mediator prior to registering for a Commission approved mediator certification training program. Provisional Pre-training Approvals are issued pursuant to the Dispute Resolution Commission Guidelines for Issuing Provisional Pre-training Approvals. ~~Mediated Settlement Conference (MSC)~~ MSC Rule 8.B establishes threshold education and work experience requirements for ~~attorney and non-attorney applicants for certification as a superior court mediators~~ in the MSC program. By seeking a Provisional Pre-training Approval, you are asking this office to ~~review your resume and other submissions to~~ determine whether you meet the threshold criteria of MSC Rule 8.B(1) ~~if you are an attorney applicant or of MSC Rule 8.B(2) if you are a non-attorney applicant~~. As part of this review, staff will conduct a background check on you.

~~The documents included in this packet are intended to help you understand what you will need to provide to Commission staff in order for us to determine whether you meet threshold criteria for certification under MSC Rule 8.B.~~

Please feel free to contact the Commission's office if you have any questions. Thank you.

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## DISPUTE RESOLUTION COMMISSION

### Provisional Pre-training Approval Process

### MSC Program

~~The DRC has received an oral or written request from you seeking a Provisional Pre-training Approval of eligibility to be certified to serve as a mediator in the superior court Mediated Settlement Conference (MSC) Program. Commission staff may issue Provisional Pre-training Approvals at the request of individuals who are seeking assurances, prior to registering for a Commission approved mediator training program, that they meet **threshold** requirements for certification relating to education and work experience as set forth in MSC Rule 8.B, prior to registering for a Commission approved mediator training program. MSC Rule 8.B(1) sets out the requirements for attorney applicants; MSC Rule 8.B(2)(c)(ii) provides that non-attorneys seeking certification must have a four-year degree from an accredited college or university and have at least ten years of professional, management, or administrative experience of a high or relatively high executive nature.~~ Commission staff may also issue Provisional Pre-training Approvals at the request of individuals seeking assurances, ~~prior to registering for training,~~ that some ethical or fitness to practice concern they have experienced does not appear to serve as a bar to certification under MSC Rule 8.E.

Please be advised that the issuance of a Provisional Pre-training Approval is not a guarantee of certification. The final determination on an application for certification rests with the Commission as it is the final authority in determining an applicant's eligibility for certification.

### I. MSC Program Threshold Requirements

MSC Rule 8 is posted on the Commission's [Superior Court Mediator Certification page](http://www.nccourts.org/Courts/CRS/Councils/DRC/MSC/Rules.asp).  
~~website at: <http://www.nccourts.org/Courts/CRS/Councils/DRC/MSC/Rules.asp>.~~

MSC Rules 8.B(1) and 8.B(2) establish the following threshold requirements ~~for certification~~for certification relating to education and work experience:

- ~~-A. ——— MSC Rule 8.B(1). Attorneys. MSC Rule 8.B(1) provides that to be eligible for certification, an attorney applicant shall meet the following threshold requirements:~~

~~An attorney is eligible for certification if s/he is a member in good standing of the NC State Bar, or bar of another state and a graduate from a school recognized as accredited by the North Carolina Board of Law Examiners, with at least five years of experience after the date of licensure as a judge, practicing attorney, law professor and/or mediator or a person with equivalent experience.~~

- ~~1. be a member in good standing of the NC State Bar with at least five years of experience after licensure, (MSC Rule 8.B(1)(a)(i) and 8.B(1)(b)); or~~

~~\_\_\_\_\_ 2. be a member in good standing of the bar of another state and a graduate \_\_\_\_\_ of \_\_\_\_\_ a law school recognized as accredited by the NC Board of Law Examiners, \_\_\_\_\_ with \_\_\_\_\_ at \_\_\_\_\_ least five years of experience after licensure (MSC Rule 8.B(1)(a)(ii) and 8.B(1)(b)).~~

~~For a~~ If you are seeking a Provisional Pre-training Approval ~~to be issued based upon~~ pursuant to MSC Rule 8.B(1), please provide your letter or resume describing your education and work experience. ~~Please identify, a letter or resume must be provided to the Commission:~~ i) identifying the law school from which ~~the attorney you~~ graduated and the date of ~~his/heryour~~ graduation; ii) identifying all states in which ~~the attorney is you are~~ licensed to practice and dates of licensure; and iii) ~~describing your~~ describing your work experience since licensure, including ~~firms or~~ employers and the dates employed. Pursuant to the last paragraph of MSC Rule 8.B(1), attorneys employed in non-traditional positions will need to provide sufficient detail regarding their employment for Commission staff to determine whether the experience is “equivalent” to the practice of law. Significant gaps in employment or frequent changes in employment should be explained. Please include the signed release and the completed and signed Criminal and Sex Offender Record Search.

**B. MSC Rule 8.B(2).** ~~\_\_\_\_\_ Non-Attorneys. MSC Rule 8.B(2) provides that to be A~~ non-attorney is eligible for certification if the non-attorney, a non-attorney applicant ~~shall~~ meets threshold requirements set forth in either MSC Rule 8.B(2)(c)(i) or 8.B(2)(c)(ii):

~~(i) MSC Rule 8.B(2)(c)(i).~~ ~~\_\_\_\_\_ 1. Threshold requirements under 8.B(2)(e)(i) this rule~~ include completion of:

~~(i)~~ \_\_\_\_\_

- ~~\_\_\_\_\_ (a)~~ a basic mediation training program of at least 20 hours duration;  
~~\_\_\_\_\_ (b)~~ thereafter, mediation of at least 30 disputes conducted over the course of at least 3 years (these mediations must have been conducted in a supervised setting and be documented, e.g., a letter from a center director attesting to the number of mediations conducted and the time frame over which the mediations occurred);  
(c) a 4-year degree from an accredited college or university (please enclose a photocopy of your diploma or transcript); and  
~~(d)~~ at least four years of professional, management, or administrative work experience of a high or relatively high executive nature.

If you are seeking a Provisional Pre-training Approval pursuant to MSC Rule 8.B(2)(c)(i), please provide a letter from a center director or other evidence of your completion of a 20-hour mediation training program and mediation experience, a photocopy of your diploma or transcript, and a

letter or resume describing your education and work experience. Please include the signed release and the completed and signed Criminal and Sex Offender Record Search.

(ii.) MSC Rule 8.B(2)(c)(ii). ~~2.~~ **Threshold requirements under this rule 8.B(2)(c)(ii) include completion of:**

- (a) a 4-year degree from an accredited college or university (please enclose a photocopy of your diploma or transcript); and
- ~~\_\_\_\_\_~~ (b) at least ten years of professional, management, or administrative work ~~\_\_\_\_\_~~ experience of a high or relatively high executive nature.

If you are seeking a Provisional Pre-training Approval pursuant to MSC Rule 8.B(2)(c)(ii), please provide a photocopy of your diploma or transcript, and a letter or resume describing your education and work experience. Please include the signed release and the completed and signed Criminal and Sex Offender Record Search.

The Commission has adopted *Guidelines Interpreting Mediated Settlement Conference Rule 8.B(2)(c) (Guidelines)* which clarify MSC Rules 8.B(2)(c)(i) and (ii). A copy is included in this packet. **Non-attorneys seeking a Provisional Pre-training Approval should carefully read these Guidelines before assembling their submissions.** ~~For a Provisional Pre-training Approval to be issued, all non-attorneys must supply a letter or resume describing the individual's full employment history and which identifies employers, job titles, and dates of employment.~~ Sufficient information about positions held must be provided in the letter or resume to enable Commission staff to determine that the work experience submitted is of a relatively high level and meets at least some of the indicia set forth in these *Guidelines*. Significant gaps in employment or frequent changes in employment should also be explained.

## **II. Good Moral Character**

**MSC Rule 8.E requires that applicants be of good moral character.**

If you are specifically seeking a Provisional Pre-training Approval pursuant to MSC Rule 8.E, please provide ~~the Commission with~~ a summary of the ethics, conduct, or fitness to practice matter that you are concerned may serve as an impediment to your certification. ~~Please and~~ attach copies of any relevant documents, e.g., copies of any orders of discipline, copies of any tax liens, etc. You will also need to submit to a background check (see ~~Section III~~ below). If you disclose serious ethical, conduct, or fitness concerns or the background check reveals such, staff may be unable to issue a Provisional Pre-training Approval.

## **III. Additional Requirements for a Provisional Pre-training Approval**

~~As part of the Provisional Pre-training Approval process, s~~Staff may contact colleges, universities, licensing/regulatory authorities, employers, and others with information about your education and work experience. **Please sign and return the enclosed Release of Information form.**

~~As mentioned above, those seeking a Provisional Pre-training Approval Staff~~ must ~~also~~ establish ~~that they~~the provisional pre-training applicant is ~~are~~ of good character and fit to practice as a mediator (See MSC Rule 8.E). A routine background check will be conducted. **Please complete, sign, and return the attached Criminal and Sex Offender Record Search.**

Commission staff may contact you for clarification of or additional documentation regarding your submitted materials. Commission staff will review your materials and respond to your request for a Provisional Pre-training Approval as soon as possible. ~~If a Provisional Pre-training Approval is granted, all additional requirements for MSC certification set out in MSC Rule 8, including all training and observation requirements must be met before an application for certification can be processed. As a part of the application review process, those who have obtained a Provisional Pre-training Approval may be required to supply additional submissions beyond those referenced above.~~

~~To summarize, please include the following documents in your submission to the Commission:~~

- ~~• If you are seeking a Provisional Pre-training Approval pursuant to MSC Rule 8.B(1), or MSC Rule 8.B(2)(c)(i), your letter or resume describing your education and work experience;~~
- ~~• If you are seeking a Provisional Pre-training Approval pursuant to MSC Rule 8.B(2)(c)(i) or (ii), a photocopy of your diploma or transcript;~~
- ~~• If you are seeking a Provisional Pre-training Approval pursuant to MSC Rule 8.B(2)(c)(i), your letter from a center director or other evidence of your completion of a 20-hour mediation training program and mediation experience;~~
- ~~• If you are seeking a Provisional Pre-training Approval pursuant to MSC Rule 8.E or you have ethical concerns you wish to disclose, a summary of the ethics, conduct, or fitness to practice matter that you are concerned may serve as an impediment to your certification and copies of any relevant documents.~~
- ~~• Your signed release; and~~
- ~~• Your completed and signed Criminal and Sex Offender Record Search~~

#### IV. Additional Considerations

A Provisional Pre-training Approval pertains only to threshold education, work experience, and conduct requirements relating to MSC certification. To become certified, an applicant must not only comply with threshold requirements, but complete all additional requirements set forth in MSC Rule 8, including all training and observation requirements, and comply with all ~~and~~ Commission policies interpreting those rules. The NC Dispute Resolution Commission is the final arbiter of certification and a Provisional Pre-training Approval is not a guarantee of eventual MSC mediator certification.

~~A staff decision not to issue a Provisional Pre-training Approval may be reviewed by the Chair of the Mediator Certification and Training Committee or the Chair of the Grievance and Disciplinary Committee, as appropriate, upon request of the person seeking the Provisional Pre-training Approval.~~ If, after review, it is determined that the requester does not meet the threshold requirements for certification and/or a background check of the requester reveals concerns related to good moral character, conduct, or fitness to practice, staff shall deny the request for a Provisional Pre-training Approval. Staff may seek assistance on the decision to issue a Provisional Pre-training Approval from the Chair of the Mediator Certification and Training Committee or the Chair of the Grievance and Disciplinary Committee. The chair of either committee, once consulted by staff, may at the chair's discretion, present the matter to their full committee for review. Staff shall follow the recommendation made by the chair, or full committee, as to the issuance of a Provisional Pre-training Approval for any applicant.

The staff decision to deny issuing a Provisional Pre-training Approval is a final determination and shall not be appealable. An individual whose request for a Provisional Pre-training Approval has been denied may, however, elect to take a Commission approved training course, complete the requisite requirements for certification, and file an application for certification in the program(s) in which the individual wishes to be certified.

~~If the chair determines that the requester meets the threshold requirements for certification and/or that matters revealed by the background check do not reflect concerns regarding moral character, conduct, or fitness to practice, staff shall issue a Provisional Pre-training Approval. The staff decision or the determination of a committee chair to deny issuing a Provisional Pre-training Approval is a final determination and shall not be appealable. An individual whose request for a Provisional Pre-training Approval has been denied may, however, elect to take a Commission approved training course, complete the requisite requirements for certification, and file an application for certification in the program(s) in which the individual wishes to be certified.~~